

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1379 be amended to read as follows:

- 1 Page 5, between lines 4 and 5, begin a new paragraph and insert:
2 "**(d) In addition to the test for a state "on" indicator under**
3 **subsection (c), there is a state "on" indicator for this state for a**
4 **week if:**
5 **(1) the average rate of total unemployment in Indiana,**
6 **seasonally adjusted, as determined by the United States**
7 **Secretary of Labor, for the period consisting of the most**
8 **recent three (3) months for which data for all states are**
9 **published before the close of the week, equals or exceeds six**
10 **and five-tenths percent (6.5%); and**
11 **(2) the average rate of total unemployment in Indiana,**
12 **seasonally adjusted, as determined by the United States**
13 **Secretary of Labor, for the three (3) month period referred to**
14 **in subdivision (1) equals or exceeds one hundred ten percent**
15 **(110%) of the average for either or both of the corresponding**
16 **three (3) month periods ending in the two (2) preceding**
17 **calendar years.**
18 **There is a state "off" indicator for a week if either of the**
19 **requirements in subdivisions (1) and (2) are not satisfied. However,**
20 **any week for which there would otherwise be a state "on"**
21 **indicator under this section continues to be subject to the "on"**
22 **indicator and shall not be considered a week for which there is a**
23 **state "off" indicator. This subsection expires on the later of**
24 **December 6, 2009, or the week ending three (3) weeks before the**
25 **last week for which federal sharing is authorized by Section**
26 **2005(a) of Division B, Title II (the federal Assistance to**
27 **Unemployed Workers and Struggling Families Act) of the federal**
28 **American Recovery and Reinvestment Act of 2009 (P.L. 111-5)."**
29 Page 5, line 5, strike "(d)" and insert "(e)".
30 Page 5, line 19, strike "(e)" and insert "(f)".
31 Page 5, line 21, strike "subsections (e) and (f)," and insert

1 **"subsection (c),"**

2 Page 5, line 30, strike "(f)" and insert **"(g)"**.

3 Page 5, line 42, strike "(g)" and insert **"(h)"**.

4 Page 6, line 22, strike "(h)" and insert **"(i)"**.

5 Page 6, line 27, strike "(i)" and insert **"(j)"**.

6 Page 7, line 19, strike "(j)" and insert **"(k)"**.

7 Page 41, line 32, delete "The" and insert **"Except as provided in**
 8 **subsection (d), the"**.

9 Page 42, between lines 15 and 16, begin a new paragraph and insert:

10 **"(d) For purposes of this subsection, "high unemployment**
 11 **period" means a period during which an extended benefit period**
 12 **would be in effect if IC 22-4-2-34(d)(1) were applied by substituting**
 13 **"eight percent (8%)" for "six and five-tenths percent (6.5%)".**
 14 **Effective with respect to weeks beginning in a high unemployment**
 15 **period, the total extended benefit amount payable to an eligible**
 16 **individual with respect to the applicable benefit year is equal to the**
 17 **least of the following amounts:**

18 **(1) Eighty percent (80%) of the total amount of regular**
 19 **benefits that were payable to the eligible individual under this**
 20 **article in the applicable benefit year.**

21 **(2) Twenty (20) times the weekly benefit amount that was**
 22 **payable to the eligible individual under this article for a week**
 23 **of total unemployment in the applicable benefit year.**

24 **(3) Forty-six (46) times the weekly benefit amount that was**
 25 **payable to the eligible individual under this article for a week**
 26 **of total unemployment in the applicable benefit year, reduced**
 27 **by the regular unemployment compensation benefits paid (or**
 28 **deemed paid) during the benefit year.**

29 **This subsection expires on the later of December 6, 2009, or the**
 30 **week ending three (3) weeks before the last week for which federal**
 31 **sharing is authorized by Section 2005(a) of Division B, Title II (the**
 32 **federal Assistance to Unemployed Workers and Struggling**
 33 **Families Act) of the federal American Recovery and Reinvestment**
 34 **Act of 2009 (P.L. 111-5)."**

35 Page 49, between lines 7 and 8, begin a new paragraph and insert:

36 **"SECTION 33. IC 22-4-14-6 IS AMENDED TO READ AS**
 37 **FOLLOWS [EFFECTIVE FEBRUARY 1, 2009 (RETROACTIVE)]:**

38 **Sec. 6. (a) An individual shall be eligible to receive extended benefits**
 39 **with respect to any week of unemployment in the individual's eligibility**
 40 **period only if the commissioner finds that with respect to such week:**

41 **(1) the individual is an "exhaustee" (as defined in**
 42 **~~IC 22-4-2-34(i)~~; IC 22-4-2-34(j)); and**

43 **(2) the individual has satisfied the requirements of this article for**
 44 **the receipt of regular benefits that are applicable to extended**
 45 **benefits, including not being subject to a disqualification for the**
 46 **receipt of benefits.**

47 **(b) If an individual has been disqualified from receiving extended**

benefits for failure to actively engage in seeking work under IC 22-4-15-2(c), the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of four (4) weeks. For purposes of this subsection, an individual shall be treated as actively engaged in seeking work during any week if:

(1) the individual has engaged in a systematic and sustained effort to obtain work during the week; and

(2) the individual provides tangible evidence to the department of workforce development that the individual has engaged in an effort to obtain work during the week.

(c) For claims for extended benefits established after September 25, 1982, notwithstanding any other provision of this article, an individual shall be eligible to receive extended benefits only if the individual's insured wages in the base period with respect to which the individual exhausted all rights to regular compensation were equal to or exceeded one and one-half (1 1/2) times the individual's insured wages in that calendar quarter of the base period in which the individual's insured wages were the highest."

Page 57, between lines 31 and 32, begin a new paragraph and insert:
 "SECTION 39. IC 22-4-17-1, AS AMENDED BY P.L.108-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 1, 2009 (RETROACTIVE)]: Sec. 1. (a) Claims for benefits shall be made in accordance with rules adopted by the department. The department shall adopt reasonable procedures consistent with the provisions of this article for the expediting of the taking of claims of individuals for benefits in instances of mass layoffs by employers, the purpose of which shall be to minimize the amount of time required for such individuals to file claims upon becoming unemployed as the result of such mass layoffs.

(b) Except when the result would be inconsistent with the other provisions of this article, as provided in the rules of the department, the provisions of this article which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(c) Whenever an extended benefit period is to become effective in this state as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator, the commissioner shall make an appropriate public announcement.

(d) Computations required by the provisions of ~~IC 22-4-2-34(c)~~ **IC 22-4-2-34(f)** shall be made by the department in accordance with regulations prescribed by the United States Department of Labor.

(e) Each employer shall display and maintain in places readily accessible to all employees posters concerning its regulations and shall make available to each such individual at the time the individual

- 1 becomes unemployed printed benefit rights information furnished by
- 2 the department.".
- 3 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1379 as printed March 20, 2009.)

Senator BRODEN